

Non-Fee Amendment

Applicant Docket No. 19011.1350

REMARKS

This paper is responsive to the Office Action mailed December 29, 2003.

At the mailing of the Official Communication, claims 1-19 were pending and the Patent Office has set forth grounds for rejecting each of these claims. Claim 1 has been amended only to provide more specificity in the language of the claim. The applicant submits that the claims are allowable in view of the art cited by the Patent Office and respectfully request the Patent Office to remove the present rejection from these claims. The applicant's traversals of the Patent Office's rejections are provided below.

Paragraph 1 sets forth the basis for a rejection under 35 USC §103 and does not require a response.

Paragraph 2 does not require a response.

Paragraph 3 sets forth rejections for claims 1-4, 6-9 and 11-15 under 35 USC §103(a) alleging that the claims are unpatentable over U.S. Patent No. 5,937,392 to *Alberts* in view of U.S. Patent No. 5,933,811 to *Angles et al.* The applicant respectfully traverses these rejections.

The Official Action alleges that column 3, lines 58-60 of *Alberts* discloses the elements Advertising Server Central Controller and AD Servers which correspond to "a multi-tiered marketing environment." The applicant respectfully disagrees with this allegation.

The invention as recited in claim 1 describes a multi-tiered hierarchy where the manager retains some level of control over each of the marketing agents regarding marketing activity such as retrieval and distribution of ads. The marketing agents, however, do have decision-making capabilities and are able to also make decisions regarding recipients, ad distribution, etc. Furthermore, marketing agents may supervise the marketing activities of other marketing agents in the case where there are more than two tiers.

Alberts describes a central controller which receives statistics from the various ad servers and then utilizes this data to provide feedback back to the ad servers to control distribution of ads. Thus, the invention described in *Alberts* involves a central controller which carries all decision-making functionality and ad servers which act as data loggers as well as distribution

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channels for the controller.

The Patent Office admits that *Alberts* does not explicitly teach providing the marketing agent with a set of prospect information. The present invention teaches selecting a recipient based on prospect information wherein ads are then distributed accordingly. However, the invention in *Alberts* teaches an advertising controller which varies distribution of ads in response to request by users. The advertising controller does not proactively generate a target group of recipients but instead, adaptively distributes ads based on user interaction. Furthermore, the method of claim 1 of the present invention which teaches selecting a recipient from a set of prospective recipients includes making selections through the use of a graphical user interface.

Furthermore, in the present invention, each marketing agent appears to maintain some degree of autonomy with regards to marketing activity. However, the manager retains ultimate control of all the marketing agents. Thus, each marketing agent may have its own unique set of limitations as defined by the manager via the Restriction Function. This limitation is passed down each respective branch as more tiers are added. Whereas the *Alberts* invention appears to offer the same level of access to each AD server, this invention defines different access levels for each marketing agent. Furthermore, it appears that with the *Alberts* invention, all adaptive processing is executed in the controller and feedback is passed back to each ad server. The ad servers then serve to make sure that the feedback is implemented in its next round of distribution.

Therefore, the applicant respectfully submits that claim 1 is allowable over the cited art. Furthermore, claims 2-19 depend either directly or indirectly from claim 1 and thus are also in condition for allowance.

New claim 20 depends from claim 1 and is further modified by including the use of a graphical interface for selecting a recipient from the prospect information. The applicants submit that claim 20 is also in condition for allowance.

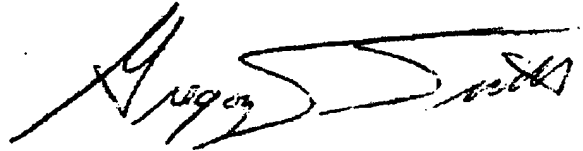
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CONCLUSION

Applicant respectfully submits the claims are allowable over *Alberts* and *Angles* and respectfully request the Patent Office to move this case towards allowance. The applicant invites the Patent Office to contact the undersigned at its convenience should the Patent Office believe it would facilitate prosecution of this application. Applicant thanks the Examiner for consideration of this application.

Respectfully submitted,



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